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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. **2011- 995**

12 **SHARON GAIL ANDERSON**
7635 69th St. NE
13 Marysville, WA 98270

A C C U S A T I O N

14 Registered Nurse License No. 760193

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs.

22 2. On or about September 23, 2009, the Board of Registered Nursing issued Registered
23 Nurse License Number 760193 to Sharon Gail Anderson (Respondent). The Registered Nurse
24 License was in full force and effect at all times relevant to the charges brought herein and will
25 expire on August 31, 2011, unless renewed.

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JURISDICTION

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2 3. This Accusation is brought before the Board of Registered Nursing (Board),
3 Department of Consumer Affairs, under the authority of the following laws. All section
4 references are to the Business and Professions Code unless otherwise indicated.

5 4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent
6 part, that the Board may discipline any licensee, including a licensee holding a temporary or an
7 inactive license; for any reason provided in Article 3 (commencing with section 2750) of the
8 Nursing Practice Act.

9 5. Section 2761 of the Code states:

10 "The board may take disciplinary action against a certified or licensed nurse or deny an
11 application for a certificate or license for any of the following:

12 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

13 . . .

14 "(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
15 violating of, or conspiring to violate any provision or term of this chapter [the Nursing Practice
16 Act] or regulations adopted pursuant to it.

17 . . .

18 6. Section 2762 of the Code states:

19 "In addition to other acts constituting unprofessional conduct within the meaning of this
20 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this
21 chapter to do any of the following:

22 "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed
23 physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or
24 administer to another, any controlled substance as defined in Division 10 (commencing with
25 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as
26 defined in Section 4022.

27 "(b) Use any controlled substance as defined in Division 10 (commencing with Section
28 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in

1 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to
2 himself or herself, any other person, or the public or to the extent that such use impairs his or her
3 ability to conduct with safety to the public the practice authorized by his or her license.

4 . . .

5 7. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
6 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
7 licensee or to render a decision imposing discipline on the license.

8 8. Section 118, subdivision (b), of the Code provides that the
9 suspension/expiration/surrender/cancellation of a license shall not deprive the
10 Board/Registrar/Director of jurisdiction to proceed with a disciplinary action during the period
11 within which the license may be renewed, restored, reissued or reinstated.

12 9. Section 125.3 of the Code provides, in pertinent part, that the
13 Board/Registrar/Director may request the administrative law judge to direct a licentiate found to
14 have committed a violation or violations of the licensing act to pay a sum not to exceed the
15 reasonable costs of the investigation and enforcement of the case.

16 10. Health and Safety Code Section 11170 provides that "[n]o person shall prescribe,
17 administer, or furnish a controlled substance for himself."

18 11. Health and Safety Code Section 11171 provides that no person shall prescribe,
19 administer, or furnish a controlled substance, except under the conditions and in the manner set
20 forth in the Uniform Controlled Substance Act (setting forth requirements for prescription and
21 furnishing of narcotics).

22 12. Health and Safety Code Section 11350, subdivision (a) makes it a crime in this
23 state to possess any controlled substance, unless upon the written prescription of a physician or
24 other authorized prescriber.

25 DEFINITIONS

26 13. **Versed** – is a brand name for the narcotic substance Midazolam, a benzodiazepine
27 derivative, and a Schedule IV controlled substance pursuant to Health and Safety Code Section
28

1 11057(b)(21) and is a dangerous drug within the meaning of Business and Professions Code
2 section 4211, subdivision (a). It is a sedative hypnotic that causes relaxation and sleep.

3 **CAUSES FOR DISCIPLINE**

4 **FIRST CAUSE FOR DISCIPLINE**

5 **(Illegal Possession or Self-Administration of Controlled Substances)**

6 14. Respondent is subject to disciplinary action under Business and Professions Code
7 section 2761, subdivision (a) on grounds of unprofessional conduct, as defined in Business and
8 Professions Code section 2762, subdivision (a) in conjunction with Health and Safety Code
9 sections 11350(a), 11171, 11171 and/or 11173 in that while on duty as a registered nurse at
10 Childrens Hospital of Los Angeles, Los Angeles, CA on or about March 8 and March 9, 2010,
11 Respondent obtained, possessed in violation of law and self-administered a controlled substance,
12 as follows:

13 a. At all times relevant herein, Respondent was employed full time as a
14 registered nurse at Childrens Hospital of Los Angeles in the Neonatal Intensive Care Unit,
15 assigned to the 'night shift' (7 pm – 7 am) .

16 b. During her shift, on or about March 8, 2010, at approximately 11:30 p.m.,
17 co-workers alerted Respondent's supervisor that she appeared altered and unable to care
18 for patients. Respondent - who variously appeared "drunk," confused, and sleepy, was
19 observed to have slowed speech, slowed gait, unable to hold items without dropping them
20 and otherwise unable to perform routine nursing tasks. She was taken off duty and sent
21 home.

22 c. Per hospital policy, Respondent consented to a drug test. A fluid sample
23 she provided on or about March 9, 2010 tested positive for "Benzodiazepines/Midazolam
24 Metabolite."

25 d. Admissions by Respondent

26 On the morning of March 9, 2010, prior to her scheduled drug test, Respondent
27 admitted to hospital supervisors that she had taken fluid from the Versed intravenous drip
28 of a patient on her unit, using a butterfly needle to inject the Versed into herself. At that

1 time, Respondent had a visible needle mark on her arm. Additionally prior to her
2 scheduled drug test, Respondent signed a statement in which she noted she had taken an
3 "unknown amt." of Versed at 10:00 p.m. on March 8, 2010.

4 e. Respondent's employment at Children's Hospital was terminated as a
5 result of this incident.

6 **SECOND CAUSE FOR DISCIPLINE**

7 **(Use of Controlled Substance(s) to the Extent That Use Impairs Safety)**

8 15. Respondent is subject to disciplinary action under Business and Professions Code
9 section 2762, subdivision (b) on the grounds of unprofessional conduct, in Respondent used
10 controlled substances to an extent or in a manner dangerous to herself or any other person or the
11 public, or to the extent that such use impairs her ability to conduct with safety the practice
12 authorized by her license, in that that while on duty as a registered nurse at Childrens Hospital,
13 during her shift, on or about March 8, 2010, Respondent diverted and then self-administered
14 Versed, which left her in an altered and impaired state, and unable to care for patients, as
15 described more fully in paragraph 14, above.

16 **THIRD CAUSE FOR DISCIPLINE**

17 **(Unprofessional Conduct)**

18 16. Respondent is subject to disciplinary action under Business and Professions Code
19 section 2761, subdivision (a), in that Respondent committed unprofessional conduct while on
20 duty as a registered nurse at Childrens Hospital, on or about March 8 and March 9, 2010, due to
21 her conduct in diverting Versed from a patient on her unit, self-administering Versed, then
22 attempting to perform her nursing responsibilities in an altered and impaired state as described
23 more fully in paragraphs 14 and 15 above.

24 **PRAYER**

25 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
26 and that following the hearing, the Board of Registered Nursing issue a decision:

27 1. Revoking or suspending Registered Nurse License Number 760193, issued to
28 Sharon Gail Anderson;

2. Ordering Sharon Gail Anderson to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED: June 21, 2011

Louise R. Bailey
LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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